

CHAPTER 5. GLOSSARY

Adjudication of a groundwater basin. A court's determination of the groundwater rights of the owners of land that lies atop a groundwater basin. In its determination, the court identifies the extractors and states how much groundwater each can extract.

Appropriative rights. Water rights held in the form of conditional permits or licenses from the State Water Resources Control Board (SWRCB), which allow the diversion of a specified amount of water from a source for reasonable and beneficial use during all or a portion of the year. The SWRCB's authorizations contain terms and conditions to protect prior water right holders, including Delta and upstream riparian water users, and to protect the public interest in fish and wildlife resources.

Conjunctive use. Operation of a groundwater basin in coordination with a surface water storage and conveyance system to maximize water supply reliability. Water is stored in the groundwater basin for later use by intentionally recharging the basin during years of above-normal water supply.

Federal nexus. Federal funding, implementation, or permit.

Fully protected species. Species listed in sections of the California Fish and Game Code for which the California Department of Fish and Game may not authorize take, except for scientific research.

Incidental take. Take of a listed animal or plant species that results from, but is not the purpose of, the carrying out of an otherwise lawful activity. Taking that is incidental to, and not intended as part of, a proposed action is not considered to be prohibited taking under the federal Endangered Species Act (FESA) or the California Endangered Species Act (CESA), provided that such taking is in compliance with the terms and conditions of an incidental take statement or incidental take permit, respectively.

Mud flats. Periodically inundated and exposed unvegetated areas such as tidal coastal areas and the edges of inland lakes, ponds, and rivers.

Navigable waters of the United States. Those waters that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, may be susceptible for use, or may be connected to bodies of water that may be used to transport interstate or foreign commerce. Despite the name, there is no requirement for vessels to be able to navigate these waters.

Nonpoint-source pollution. Pollution that does not come from a defined discrete source, such as a pipe, but which is spatially diffuse--such as urban runoff or agricultural runoff. Also referred to as polluted runoff.

Point source. A discrete conveyance such as a pipe or constructed ditch from which air or water pollutants may be discharged.

Point-source pollution. Wastes discharged from discrete sources such as pipes and outfalls.

Prime farmland. Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops as determined by the Secretary of Agriculture pursuant to the Farmland Protection Policy Act of 1982. The land must also be available for these uses (cropland, pastureland, forestland, or other land, but not water or urban built-up land). Prime farmland has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed according to acceptable farming methods, including management of water.

Public trust. A sovereign public property right held by the state for the benefit of the people. The public trust doctrine holds that certain types of property are of high public value and private right of ownership of these properties should be limited. These “public trust properties” or “public trust lands” are held by the state as sovereign for the benefit of all citizens of the state. “Public trust values” are those attributes or uses recognized to be in the public interest; these include commerce, navigation, fisheries, recreation, and other public purposes. In issuing or reconsidering any rights to appropriate or divert water, the state must balance public trust needs with the needs of other beneficial uses of water.

Riffle and pool complexes. High-quality fish and wildlife habitat on steep gradient portions of rivers or streams where a rapid current flowing over a coarse substrate results in turbulence (riffles) and a slower moving current in deeper areas results in smooth flow (pools).

Riparian water rights. Entitlements to water that are held by owners of lands that border natural flows of water.

Sacramento and San Joaquin River Basins Comprehensive Study. U.S. Army Corps of Engineers (USACE) study developing a systemwide comprehensive flood-control management plan for the Central Valley to reduce flood damage and integrate ecosystem restoration.

Safe Harbor Agreement. Voluntary arrangement between the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) and cooperating nonfederal landowners. The agreements provide for benefits to endangered and threatened species through agreed-upon management actions while giving the landowners assurances that no additional future regulatory restrictions will be imposed.

Sovereign lands. Lands under sovereign ownership of the State of California, consisting of the beds of (1) more than 120 rivers, streams and sloughs; (2) nearly 40 nontidal navigable lakes, such as Lake Tahoe and Clear Lake; (3) the tidal navigable bays and lagoons; and (4) the tide and submerged lands adjacent to the entire coast and offshore islands of the state from the mean high tide line to 3 nautical miles offshore.

Special aquatic sites. Particular kinds of waters of the United States that receive special attention by the USACE and U.S. Environmental Protection Agency under the Clean Water Act. These waters are geographic areas that possess unique ecological characteristics of productivity, habitat, wildlife protection, or other important ecological values. These areas are generally recognized as significantly influencing or positively contributing to the overall environmental health or vitality of the entire ecosystem of a region. Special aquatic sites adversely affected by a non-water-dependent project are subject to greater scrutiny than other waters. The six types of special aquatic sites are:

- # wetlands;
- # federal, state, or local sanctuaries and refuges for fish and wildlife resources;
- # mud flats;
- # vegetated shallows (permanently inundated sites with rooted, submerged vegetation);
- # coral reefs; and
- # riffle and pool complexes.

Special rule, or “4[d] rule”. A determination issued by USFWS or NMFS pursuant to Section 4[d] of FESA describing protections for the threatened species and the circumstances under which take is allowed.

Stakeholders. Urban and agricultural water users, fishing interests, environmental organizations, businesses, landowners, and others with interests in the design, problem solving, and decision making processes of CALFED.

Statutory authority. Authority granted by legal statute.

Take. As defined by FESA, “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct”; “harm” refers to acts that injure a listed species, including habitat modification. As defined by CESA, “take” includes hunting, pursuing, catching, capturing, or killing, or attempting such activity.

Ungranted tidelands and submerged lands. Lands not granted to a private party, city, or county. Early in its history, the California Legislature statutorily transferred tide and submerged lands in trust to cities and counties, which were then required to develop harbors to further state and national commerce. The major ports of Los Angeles, Long Beach, San Diego, San Francisco, Oakland, Richmond, Benicia, and Eureka are all located on “granted lands”; many marinas, aquatic parks, fishing piers, and environmentally sensitive habitats are also located on granted lands. Tidelands and submerged lands that have not been so granted or transferred are referred to as “ungranted”.

Unique farmland. Land other than prime farmland that is used for production of specific high-value food and fiber crops. Unique farmland has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or yields of specific crops.

Watermaster. Person or body appointed by a court to ensure that a surface water or groundwater basin is managed in accordance with the court's decree. Also refers to a position within an irrigation project that is responsible for the internal distribution of project water.

Waters of the state. Defined in the Porter-Cologne Water Quality Control Act as "any surface water or ground water, including saline waters, wholly or partially within the boundaries of the state".

Waters of the United States. A term used to describe areas that fall under federal jurisdiction under the Clean Water Act. Waters of the United States include, but are not limited to, navigable waters; tributaries of navigable waters; waters that are currently used, were used in the past, or may be used in the future in interstate or foreign commerce; interstate waters; intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds used by interstate travelers for recreation and other purposes, that are the source of fish or shellfish sold in interstate or foreign commerce, or that are utilized for industrial purposes by industries engaged in interstate commerce.

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